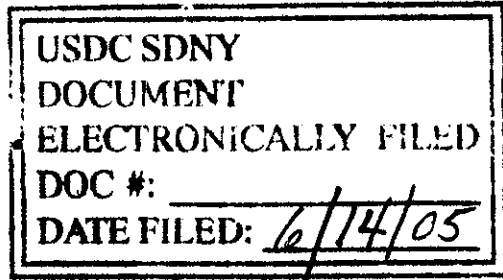


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
MAC SURGICAL, INC.,

Petitioner,

- against -

05 Civ. 2582 (RJH)

CARL ZEISS SURGICAL, INC.,

Respondent.
----- x

Memorandum Opinion and Order

Plaintiffs petition the Court pursuant to Section 9 of the Federal Arbitration Act ("FAA"), 9 U.S.C. §§ 9 and 13, to confirm an arbitration award dated January 25, 2005. The complaint was filed on March 4, 2005, and served upon defendant shortly thereafter. To date, defendant has not filed an answer or opposition to plaintiff's petition.

"[T]he confirmation of an arbitration award is a summary proceeding that merely makes what is already a final arbitration award a judgment of the court." *Florasynth, Inc. v. Pickholz*, 750 F.2d 171, 176 (2d Cir. 1984). Under § 9 of the FAA, upon timely application by any party, a court *must* grant an order to confirm an arbitration award unless the award is vacated, modified, or corrected as prescribed in §§ 10 and 11 of the FAA. *See Marsillo v. Geniton*, No. 03 Civ. 2117 (TPG), 2004 WL 1207925, at *4 (S.D.N.Y. June 1, 2004). Plaintiff's petition to confirm the arbitration award [1-1] is hereby GRANTED.

SO ORDERED.

Dated: New York, New York
June 14, 2005

Richard J. Holwell
United States District Judge